

JEROME L. GRIMES  
263 VERNON STREET  
San Francisco, CA. 94132  
In Pro Per, Attorney  
Futuristic Safety First,  
Children Safety And Welfare Program  
HOME BASED BUSINESS OFFICE  
(415) 584-1454 (H.)

JEROME L. GRIMES,  
Petitioner,  
v.

SUPERIOR COURT OF CALIFORNIA,  
San Mateo County,  
Deputy District Attorney, SARAH BOXER,  
Department #41,  
Honorable Judge, Thomas Smith,  
Respondents.

RECEIVED

JUN 26 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

FILED

JUN 26 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

Writ of Habeas Corpus No. 07-80167  
CV 07-80167  
CO7-03647  
CW

"EMERGENCY  
MOTION UNDER  
CIRCUIT RULE  
27-3"

Misdemeanor Conviction Appeal

In Pro Per, Attorney  
Futuristic Safety First,  
"Children Safety And Welfare Program"  
HOME BASED BUSINESS OFFICE  
(415) 584-1454 (H.)

Jerome L. Grimes,  
Petitioner,

Writ Of Habeas Corpus No.

CO6-3146 CW

V.  
Superior Court of California,  
San Mateo County,

Deputy District Attorney, Sarah Boxer,  
Department #41,

Honorable Judge, Thomas Smith,  
Respondents.

"CIRCUIT RULE  
27-3  
(CERTIFICATE)"

I. In Pro Se, Attorney  
Jerome L. Grimes  
263 Vernon Street  
San Francisco, CA. 94132  
(415) 584-1454 (H.)

II. On, December 26, 2006, the petitioner's,  
New, Writ Of Habeas Corpus, was, mail tampered,  
and, Filed, as an, "AMENDED WRIT OF HABEAS  
CORPUS NUMBER: CO6-3146 CW", and then,  
mail tampered, AGAIN. This resulted in the  
petitioner, NOT, being, Notified, that the,  
AMENDED WRIT, was, Not Pending, but still in,  
Closed-Status. And, NOW, there is a, (7) SEVEN,

(1 of 3)

Days, Sheriff Work Program, "SURRENDER DATE"  
"OR", (4) Four, to, (5) Five, Days, In-Custody Jail-  
 Time, "SURRENDER DATE", of: July 14, 2007,  
 for a, Misdemeanor Crime of Cocaine-  
 Crack Pipe/Drug Paraphernalia Possession,  
 which the, In Pro Per, Petitioner, was,  
 Framed-Up, for, and is, Innocent of,  
 on, October 19, 2004.

It appears the, San Mateo County Deputy  
 Sheriff's, are, Deliberate Indifferent, and  
 is, Excluding, the, Innocent, In Pro Per,  
 Petitioner, from the, Optional, (7) Seven,  
 Days, Sheriff Work Program, Out-Of-Custody,  
 and wants the petitioner, In Pro Per, to  
 do these, Accruing Civil Damages, In-Custody,  
 Status. (See: Civil Complaint No.:

Jerome L. Grimes v.

Foster City Police Dept.,  
 Officer, Noel MacDougall # \_\_\_\_\_  
 Officer, Barsanti # \_\_\_\_\_  
 Officer, Tracy Garcia # \_\_\_\_\_

This, "U.S. District Court, Northern District of California"  
July 14, 2007, SURRENDER DATE,  
 (2 of 3)

puts the, Innocent, In Pro Per, Petitioner, in,  
 "Imminent Danger Of Further Kidnapping For  
 A Crime The Foster City Police Officers, Involved,  
 Know I Did, Not, Commit, And Suffer More  
 Liberty Deprivation, Continuous False Imprisonment  
 Hardship With The Intent To Intimidate And  
 Dissuade The Petitioner From Securing, His,  
 OIL - Royalties Inheritances, And, Prosecuting,  
 His, Federal Civil Lawsuits, Against, Numerous  
 Perpetrators Involved In The Estate Looting  
 And Child Abductions Of The Petitioner's  
 Children And Inheritances, monthly, OIL -  
 Royalty Franchise Fees Checks.

III. The, Other Parties/Respondents, were not  
 notified and served, but will be notified  
 and served on, 28th, of, June, 2007, by  
 personal service and delivery.  
 Dated: June 26, 2007

Jerome L. Grimes  
 JEROME L. GRIMES  
 Petitioner, In Pro Per

And,  
 Director of:  
 - "Futuristic Safety First,  
 Children Safety And Welfare Program"  
 (1977-02/10/84) (07/27/81)

(3 of 3)

**PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

Name Grimes Jerome L.  
 (Last) (First) (Initial)  
 Prisoner Number Jail # 2248447, S.F. Jail # 408761, Case # 5m336289A  
 Institutional Address Out - Of - Custody  
263 Vernon St., S.F., CA. 94132 (415) 584-1454 (H.)

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Jerome L. Grimes  
 (Enter the full name of plaintiff in this action.)

vs.

Case No. \_\_\_\_\_  
 (To be provided by the clerk of court)

Superior Court of California,  
San Mateo County,  
Deputy District Attorney, Sarah Boxer  
Department #41  
Judge, Thomas Smith,  
 (Enter the full name of respondent(s) or jailor in this action)

**PETITION FOR A WRIT  
 OF HABEAS CORPUS**
Read Comments Carefully Before Filling In
When and Where to File

You should file in the Northern District if you were convicted and sentenced in one of these counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in this district if you are challenging the manner in which your sentence is being executed, such as loss of good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

If you are challenging your conviction or sentence and you were not convicted and sentenced in one of the above-named fifteen counties, your petition will likely be transferred to the United States District Court for the district in which the state court that convicted and sentenced you is located. If you are challenging the execution of your sentence and you are not in prison in one of these counties, your petition will likely be transferred to the district court for the district that includes the institution where you are confined. Habeas L.R. 2254-3(b).

Who to Name as Respondent

You must name the person in whose actual custody you are. This usually means the Warden or jailor. Do not name the State of California, a city, a county or the superior court of the county in which you are imprisoned or by whom you were convicted and sentenced. These are not proper respondents.

If you are not presently in custody pursuant to the state judgment against which you seek relief but may be subject to such custody in the future (e.g., detainers), you must name the person in whose custody you are now and the Attorney General of the state in which the judgment you seek to attack was entered.

A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

1. What sentence are you challenging in this petition?

(a) Name and location of court that imposed sentence (for example; Alameda

County Superior Court, Oakland):  
Superior Court of California  
County of San Mateo

Redwood City Facility  
400 County Center  
Redwood City, CA. 94063

Court

Location

(b) Case number, if known Sm 336289A

(c) Date and terms of sentence September 28, 2005  
3 years, misdemeanor Court Probation

(d) Are you now in custody serving this term? (Custody means being in jail, on parole or probation, etc.) Yes ☒ No ☐

Where?

Court Probation No Bail Warrant

Name of Institution: San Francisco County Jail #2

Address: Cell B-03, 7th Floor  
850 Bryant Street  
San Francisco, CA. 94103

2. For what crime were you given this sentence? (If your petition challenges a sentence for more than one crime, list each crime separately using Penal Code numbers if known. If you are challenging more than one sentence, you should file a different petition for each sentence.)

(Frame-Up) Drug Paraphernalia: Cocaine Crack Pipe

Health & Safety Code  
11364 Violation

Vehicle Code Section 12500 Violation. Count I + Count II



3. Did you have any of the following?

Arraignment: Yes ☒ No ☐

Preliminary Hearing: *ONLY Misdemeanor* Yes ☐ No ☒

Motion to Suppress: *Non-Statutory motion To Dismiss* Yes ☒ No ☐

4. How did you plead?

Guilty ☐ Not Guilty ☒ Nolo Contendere ☐

Any other plea (specify) \_\_\_\_\_

5. If you went to trial, what kind of trial did you have?

Jury ☒ Judge alone ☐ Judge alone on a transcript ☐

6. Did you testify at your trial? Yes ☐ No ☒

7. Did you have an attorney at the following proceedings:

(a) Arraignment *In Pro Se* Yes ☐ No ☒

(b) Preliminary hearing Yes ☐ No *N/A*

(c) Time of plea *In Pro Se* Yes ☐ No ☒

(d) Trial *In Pro Se* Yes ☐ No ☒

(e) Sentencing *In Pro Se* Yes ☐ No ☒

(f) Appeal *In Pro Se* Yes ☐ No ☒

(g) Other post-conviction proceeding Yes ☐ No ☒ *In Pro Se*

8. Did you appeal your conviction? Yes ☒ No ☐

(a) If you did, to what court(s) did you appeal?

Court of Appeal Yes ☐ No ☒

Year: \_\_\_\_\_ Result: \_\_\_\_\_

Supreme Court of California Yes ☒ No ☐

Year: *12/20/06* Result: *DENIED* *WRIT #: 5148111*

Any other court *App # AD4882* Yes ☒ No ☐ *County of San Mateo Appellate Dept, Superior Ct. of CA.*

Year: *2006* Result: *Affirmed*

(b) If you appealed, were the grounds the same as those that you are raising in this

petition?

Yes ☒ No ☐

(c) Was there an opinion?

Yes ☐ No ☒ *Not Yet.*

(d) Did you seek permission to file a late appeal under Rule 31(a)?

Yes ☐ No ☒

If you did, give the name of the court and the result:

9. Other than appeals, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal? Yes ☒ No ☐

[Note: If you previously filed a petition for a writ of habeas corpus in federal court that challenged the same conviction you are challenging now and if that petition was denied or dismissed with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider this petition. You may not file a second or subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28 U.S.C. §§ 2244(b).]

(a) If you sought relief in any proceeding other than an appeal, answer the following questions for each proceeding. Attach extra paper if you need more space.

I. Name of Court: U.S. Dist. Ct., Northern Dist. of CA.Type of Proceeding: Writ of Habeas Corpus # 06-3146CW

Grounds raised (Be brief but specific):

a. Prosecutorial Misconductb. Violation of Petitioner's Substantial Right To A Fair Trial. *[Exculpatory Evidence]*

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: Unexhausted Highest State Remedy. Dismissed without Prejudice Date of Result: June 13, 2006II. Name of Court: Superior Court of CaliforniaType of Proceeding: Writ of Habeas Corpus # 5148111

Grounds raised (Be brief but specific):



a. Prosecutorial Misconduct  
 b. Violation of Petitioner's Substantial Right To A Fair Trial <sup>(Exculpatory Evidence)</sup>  
 c. \_\_\_\_\_  
 d. \_\_\_\_\_  
 Result: Denied Date of Result: December 20, 2006

III. Name of Court: \_\_\_\_\_  
 Type of Proceeding: \_\_\_\_\_  
 Grounds raised (Be brief but specific):  
 a. \_\_\_\_\_  
 b. \_\_\_\_\_  
 c. \_\_\_\_\_  
 d. \_\_\_\_\_  
 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

IV. Name of Court: \_\_\_\_\_  
 Type of Proceeding: \_\_\_\_\_  
 Grounds raised (Be brief but specific):  
 a. \_\_\_\_\_  
 b. \_\_\_\_\_  
 c. \_\_\_\_\_  
 d. \_\_\_\_\_  
 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

WRIT #: C06-3145 CW

Yes ☒ No ☐

Name and location of court: U.S. Dist. Ct., Northern Dist. of CA,  
450 Golden Gate Ave., SF, CA 94102

#### B. GROUNDS FOR RELIEF

State briefly every reason that you believe you are being confined unlawfully. Give facts to support each claim. For example, what legal right or privilege were you denied? What happened? Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One:

Prosecutorial Misconduct

6  
7 Supporting Facts:

8 Prosecutor, Deputy District Attorney  
9 Sarah Boxer, misled Jurors, into believing that  
10 the petitioner's California Driving Privilege, in the  
11 State of California, was, suspended, on Incident Date:  
12 October 19, 2004, which is, FALSE.

13 Claim Two:

14 Claim Two: Violation Of Petitioner's Right To Exculpatory  
15 Evidence

16 Supporting Facts:

17 Prosecutor, Deputy District Attorney  
18 Sarah Boxer, under 352, moved motion to exclude  
19 In Pro Se, Defense's, Exculpatory Evidences (Proof Of  
20 Declaration In Support Of Non-Statutory Motion  
21 To Dismiss, Parole Officer Of State Of California,  
22 signed, Clean And Clear (See Attachment #1)

23 Claim Three:

Prosecutorial Misconduct And Victimlessness

24 Supporting Facts:

25 After, In Pro Se, Defense's Non-Statutory  
26 Motion To Dismiss Count I, The Prosecutor,  
27 Deputy District Attorney, Sara Boxer, Punished And  
28 Filed, Count II, A Vehicle Code Section Violation  
29 Ignoring The Petitioner's, VALID, Colorado Drivers License  
30 [Exp: 05/23/13]

31 If any of these grounds was not previously presented to any other court, state briefly which  
32 grounds were not presented and why:

33 Ground Two, were not clearly identified  
34 due to the petitioner's, Current, Imminent Danger  
35 Of more serious Injuries, Broken Jaw, Re injury  
36 Potential Food Trays - Breakfast, Lunch, And, Dinner  
37 (See: Attachment #1) And (See: Writ #: COG-3146CW)  
38 Identified As: AMENDED

U.S. v. Nesmith, D.C., 121 F. Supp. 758  
 List, by name and citation only, any cases that you think are close factually to yours so that they  
 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
 of these cases.  
 Arizona v. Youngblood, 488 U.S. 51, 109 S. Ct. 333 (1988) 6th Amend. US Const. Right to Accuse  
 U.S. v. Goodwin (1982) 455 U.S. 368, 384, 73 L. Ed. 74, 87, 122 S. Ct. 2485  
 People v. Bracey (1984) 21 CA 4th 1532, 1549, 26 CR 2d 728, 85  
 Blackledge v. Perry (1974) 417 U.S. 21, 29 n.7, 40 L. Ed. 2d 628, 635  
 n.7 95 Ct.  
 People v. Johnson (1991) 233 CA3d 425, 448, 284 CR 579.  
 People v. Mackay (1985) 176 CA 3d 177, 221 CR 905  
 Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963).  
 Do you have an attorney for this petition? Yes ☐ No ☒

If you do, give the name and address of your attorney:

In Pro Per, Attorney  
 Jerome L. Grimes, 263 Vernon St., SF, CA. 94132  
 Home Based Business Office, OR: Futuristic Safety First,  
 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in

this proceeding. I verify under penalty of perjury that the foregoing is true and correct.  
 "Children Safety And Welfare Program"

Executed on June 26, 2007

Date

Jerome L. Grimes

Signature of Petitioner

Jerome L. Grimes  
 Petitioner, In Pro Per

And,  
 Director of:

Futuristic Safety First,  
 "Children Safety And Welfare Program"  
 (1977-02/10/84) (07/27/81)

(Rev. 6/02)

(10/31/85) Halloween Night

Cont: Claim Two, Supporting Facts

Urinanalysis Drug Test, Less Than, (12) Twelve, Hours, After, this, Alleged, Violation of The, Health & Safety Code: 11364.

And, VALID, State of Colorado, Drivers License, with, Expiration Date of: May 23, 2013, presented at the time of, Alleged, Possession of [Cocaine Crack Pipe] Drug Paraphernalia In A motor Vehicle, Violation of: Health & Safety Code: 11364.

Cont, Grounds Not Presented And Why:

Poisonings, And, Canteen Commissary Food Poisonings, etc,

(Attachment #1)

1 state, and you did not have a California  
2 Driver's License. That's all.

3 In terms of the drug crack pipe  
4 possession, the judge has now told you that  
5 you cannot bring up any information about  
6 another person driving.

7 MR. GRIMES: Right, right.

8 MS. BOXER: The car registered to  
9 another person.

10 MR. GRIMES: I'm not worried about  
11 that.

\* 12 MS. BOXER: I wanted you to know what  
13 your evidence is going to be. You cannot  
14 bring up any evidence of drug test.

15 MR. GRIMES: I mean, there is still a  
16 Federal jurisdiction in regards to the  
17 state -- a state actor -- as a stated actor,  
18 especially a District Attorney, is also to  
19 make sure the innocent do not suffer and the  
20 guilty do not escape.

21 So, of course you are my adversary,  
22 but you are not my attorney, so I wasn't  
23 talking about what my evidence is. I was just  
24 presented you can object, but at the same time  
25 I was just trying to talk about whether or not  
26 we can dispose of the matter without going

Attachment #7  
Attachment #1 of 3

1 through peremptory challenges, without going  
2 through a jury trial, but I mean if we have  
3 to, we have to.

4 So, in regards to the first offer,  
5 misdemeanor and all that stuff, I mean if you  
6 are willing to go no contest, which is what  
7 the other District Attorney told me, no  
8 contest, no probation, credit for time served,  
9 I've already been incarcerated, I paid bail,  
10 and I am definitely innocent of it, so I've  
11 been punished.

12 If you were looking whether guilty  
13 and punished, and all that, I'm looking at  
14 saving the Court time and saving tax payers  
15 money, and I'm trying to put this behind me  
16 because I've been through this too much, and  
17 tomorrow I could be under another attack to  
18 Court.

19 Now I'm thinking not being violent of  
20 Penal Code 136.1-B, which is trying to badger  
21 a W and I. I am an attorney. By stopping me  
22 from trying to intimidate me from appearing by  
23 getting me framed up and locked up again by  
24 lewd and prohibited activities or something  
25 that attacked -- I don't know what they might  
26 try.

Attachment #8  
Attachment # 2 of 2



1 officer?

2 MR. GRIMES: Oh, excuse me. It was  
3 Exhibit No. 4, identifying as No. 4.

4 THE COURT: You don't have any  
5 exhibits. Do you want that marked as an  
6 exhibit?

7 MR. GRIMES: Yes, please.

\* 8 THE COURT: May I have that, Officer?  
9 The clerk will mark the Defendant's A which is  
10 the first exhibit, and what it is, it appears  
11 to be a photocopy of a Colorado Driver's  
12 License expiring in 2013. I believe that's  
13 what it is.

14 You will see that, ladies and  
15 gentlemen.

16 (Whereupon, Defendant's Exhibit A was  
17 marked for identification.)

18 MR. GRIMES: Q. Okay.

19 THE COURT: That's Defendant's A.

20 MR. GRIMES: And I was just wondering  
21 if you could let me know what date the  
22 expiration date is.

23 A. 5/23/2013.

24 Q. And, also, the date like issuance  
25 date, could you see that on there? It was  
26 like right underneath.

Attachment #9  
Attachment #3 of 3